IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE M.N.KRISHNAN

TUESDAY, THE 17TH JULY 2007 / 26TH ASHADHA 1929

WP(C).No. 18452 of 2007(V)

OS.21/2002 of SUB COURT, NEDUMANGAD
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PETITIONER:

CRISPIN SUDHARMARAJ, PEON, K.S.R.T.C OFFICE, KATTAKADA, RESIDING AT NIRMALA BHAVAN, MYLOTTUMOOZHI, VEERANAKAVU,NEDUMANGADU, THIRUVANANTHAPURAM.

BY ADV. SRI.M.BALAGOVINDAN
SRI.M.R.SASITH

RESPONDENTS:
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1. **B.K.SYAMALAKUMARI, DHANYA, KOLLAMAM, PANNIYODU P.O., VEERANAKAVU.**
2. **B.L.ALOSIOUS, DHANYA, KOLLAMAM, PANNIYODE P.O., VEERANAKAVU.**
3. **BRANCH MANAGER, STATE BANK OF TRAVANCORE, POOVACHAL BRANCH, POOVACHAL.**

BY ADV. SRI.R.S.KALKURA SC. SBT.

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 17/07/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

W.P.(C) NO.18452/2007

APPENDIX

PETITIONER'S EXHIBITS

EXT.P1:- COPY OF THE PLAINT IN OS.21/02 OF THE SUB COURT NEDUMANGADU.

EXT.P2:- COPY OF THE JUDGMENT IN OS.21/02 OF THE SUB COURT NEDUMANGADU.

EXT.P3:- COPY OF THE DECRE IN OS.21/02 OF THE SUB COURT NEDUMANGADU.

EXT.P4:- COPY OF THE RECEIPT EVIDENCING THE REMITTANCE OF THE DECREE AMOUNT IN OS. 21/02 BY THE PETITIONER.

EXT.P4(a):- COPY OF THE RECEIPT EVIDENCING THE REMITTANCE OF THE DECREE AMOUNT IN OS. 21/02 BY THE PETITIONER.

EXT.P4(b):- COPY OF THE RECEIPT EVIDENCING THE REMITTANCE OF THE DECREE AMOUT IN OS.21/02 BY THE PETITIONER.

EXT.P4(c):- COPY OF THE RECEIPT EVIDENCING THE REMITTANCE OF THE DECREE AMOUNT IN OS. 21/02 BY THE PETITIONER.

EXT.P4(d):- COPY OF THE RECEIPT EVIDENCING THE REMITTANCE OF THE DECREE AMOUNT IN OS. 21/02 BY THE PETITIONER.

EXT.P4(e):- COPY OF THE RECEIPT EVIDENCING THE REMITTANCE OF THE DECREE AMOUNT IN OS.21/02 BY THE PETITIONER.

EXT.P4(f):- COPY OF THE RECEIPT EVIDENCING THE REMITTANCE OF THE DECREE AMOUNT IN OS.21/02 BY THE PETITIONER.

EXT.P4(g):- COPY OF THE RECEIPT EVIDENCING THE REMITTANCE OF THE DECREE AMOUNT IN OS. 21/02 BY THE PETITIONER .

EXT.P5:- COPY OF THE IA.460/07 IN OS. 21/02 BEFORE THE SUB COURT NEDUMANGADU.

/TRUE COPY/

P.S. TO JUDGE

tss

M.N.KRISHNAN, J

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W.P.(C) No.18452 OF 2007

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Dated this the 17th day of July, 2007

JUDGMENT

This writ petition is filed for a direction to the Sub Court, Nedumangadu to dispose of Ext.P5 application. The prayer in Ext.P5 is to the effect that the judgment and decree of the court below is to be corrected and the liability of the petitioner is to be fixed at Rs.40,000/- plus interest and not for the entire amount because he has stood as a surety only for the said amount.

2. Heard the other side as well. A direction is given to the Sub Court, Nedumangadu to dispose of I.A.No.460/2007 in O.S.No.21 of 2002 within a time frame of six weeks from today and till the disposal of Ext.P5 application, not to proceed further with the execution of the decree as against the petitioner.

Writ petition is disposed of as above.

M.N.KRISHNAN, JUDGE

Cdp/-